

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES POSTAL SERVICE

and

NATIONAL ASSOCIATION OF LETTER
CARRIERS, BRANCH 78, AFL-CIO

Cases 09-CA-093652
09-CA-102030
09-CA-122341

DECISION AND ORDER

Statement of the Cases

On September 25, 2014, the United States Postal Service (the Respondent), National Association of Letter Carriers, Branch 78, AFL-CIO (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

¹ Member Hirozawa notes that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates facilities throughout the United States in the performance of that function, including all of its facilities in the Respondent's Columbus, Ohio Area, including the following facilities, the only facilities involved in this proceeding: East City Stations, 850 Twin Rivers Dr., Columbus, Ohio 43215; Eastland, 2601 Courtright Rd., Columbus, Ohio 43232; Gahanna Station, 2323 Citygate Dr., Columbus, Ohio 43218; Main Office Station, 850 Twin Rivers Dr., Columbus, Ohio 43215; and Whitehall Station, 83 S. Robinwood Ave., Columbus, Ohio 43213.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (39 U.S.C. § 101 et seq.).

2. The labor organization involved

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that

The Respondent, United States Postal Service, Columbus, Ohio, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain in good faith with the Union by refusing to and unreasonably delaying in providing the Union with information that is relevant and necessary for it to fulfill its role as the collective-bargaining representative of the Respondent's employees in the appropriate unit as set forth in Article I, Union Recognition, of the most recent collective-bargaining agreement between the Union and the Respondent, that constitutes a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

(b) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of their rights guaranteed in Section 7 of the Act.

2. Take the following affirmative actions necessary to effectuate the policies of the Act.

(a) On request by the Union, furnish the Union information which is necessary for, and relevant to, the Union's performance of its functions as the exclusive collective-bargaining representative of the Respondent's employees in the Unit as described in Article I, Union Recognition, of the most recent collective-bargaining agreement between the Union and the Respondent, which constitutes a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

(b) Furnish the Union with copies of carriers' 2013 Daily Schedules for pay periods nineteen (19) through twenty-six (26), and a copy of the Overtime Desired List tracking sheet for the third quarter of 2013, from September to December, as requested by the Union in its information request dated December 31, 2013.

(c) Upon request, bargain in good faith with the Union as the exclusive collective-bargaining representative of its unit employees.

(d) Within 14 days of service by the Region, post copies of the attached notice marked "Appendix A" at all of its facilities in its Columbus, Ohio Area, as identified in the "Respondent's business" section above, including the following: Beechwold Station, Clintonville, 4364 N. High St., Columbus, Ohio 43214; Bexley Station, 2935 E. Main St., Columbus, Ohio 43209; German Village Station, 1612 Lockbourne Rd., Columbus, Ohio 43206; Livingston Station, 3850 E. Livingston Ave., Columbus, Ohio 43227; Northland Station, 5700 Maple Canyon Ave., Columbus, Ohio 43229; Northwest Station, 4905 Gettysburg Rd., Columbus, Ohio 43220; Oakland Park Station, 2200 Innis Rd., Columbus, Ohio 43224; South Columbus Station, 445 E. Innis Ave., Columbus, Ohio 43207; Upper Arlington Station, 3700 Riverside Dr., Columbus, Ohio 43221; West City Station, 850 Twin Rivers Dr., Columbus, Ohio 43215; West Worthington Station, 6316 Nicholas Dr., Columbus, Ohio 43235; and Westland Station, 770 Georgesville Rd., Columbus, Ohio 43228. Copies of the notice, on forms provided by Region 9, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days at the facilities' bulletin boards, the employees' time clocks or in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has closed any facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at that facility at any time since about April 24, 2012.

(e) Within 21 days after service by the Region, file with the Regional Director for Region 9 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply.

Dated, Washington, D.C., February 4, 2015

Philip A. Miscimarra,	Member
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Kent Y. Hirozawa,	Member
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Harry I. Johnson, III,	Member
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(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

Pursuant to a stipulation for a Board order and consent judgment of any appropriate United States Court of Appeals, the National Labor Relations Board has ordered us to post and abide by this notice. And in order to effectuate the policies of the National Labor Relations Act, as amended, we hereby notify you that:

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

WE WILL NOT refuse to bargain in good faith with the Union by refusing to and unreasonably delaying in providing National Association of Letter Carriers, Branch 78, AFL-CIO (the Union), with information that is relevant and necessary to its representational duties, and WE HAVE furnished the Union with the information requested by the Union in 2012 on April 24, May 9, May 17, May 24, the middle of June, October 14, and October 17; the information requested by the Union on January 19 and December 31, 2013; and the information requested by the Union on January 2, January 6, and January 7, 2014.

WE WILL NOT, upon request, refuse to bargain in good faith with the Union as the exclusive collective-bargaining representative of our unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce our employees in the exercise of the rights guaranteed them by Section 7 of the Act.

WE WILL promptly furnish the Union with copies of carriers' 2013 Daily Schedules for pay periods nineteen (19) through twenty-six (26), and a copy of the Overtime Desired List tracking sheet for the third quarter of 2013 from September to December, as requested by the Union in its information request dated December 31, 2013.

WE WILL, upon request, bargain in good faith with the Union as the exclusive collective-bargaining representative of our unit employees.

WE WILL, on request by the Union, furnish the Union information which is necessary for, and relevant to, the performance of its function as the exclusive collective-bargaining representative of the employees in the appropriate unit as described in

Article I, Union Recognition, of the most recent collective-bargaining agreement between the Union and the Respondent.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/09-CA-093652 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

